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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Miguel RODRIGUEZ** Defendant.	Magistrate Case No. '08 MJ 0912 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **March 24, 2008**, within the Southern District of California, defendant **Jose Miguel RODRIGUEZ**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Vanessa GUZMAN-Sandoval**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **March, 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Vanessa GUZMAN-Sandoval** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On March 24, 2008, at approximately 0347 hours, **Jose Miguel RODRIGUEZ (Defendant)** made application for admission into the United States from Mexico at the San Ysidro Port of Entry via the vehicle primary lanes. Defendant was the driver and sole visible occupant of a 1994 Dodge Caravan. Defendant approached a U.S. Customs and Border Protection (CBP), presented his valid California driver license and claimed to be a United States citizen. Upon questioning, Defendant stated he was not bringing anything from Mexico and claimed ownership of the vehicle. The CBP officer suspected Defendant had made a false claim to United States citizenship and escorted him to secondary for further inspection.

In secondary, Defendant exited the vehicle and attempted to abscond from the Port of Entry by running south toward Mexico. CBP officers pursued Defendant on foot, and during the course of his apprehension, Defendant hit a CBP officer in the face. Defendant was apprehended and escorted to secondary.

A CBP officer inspected the vehicle with his CBP Human/Narcotics Detector Dog (H/NDD) and alerted to the vehicle's left side wall. Upon further inspection, a person was discovered concealed in the left side panel. CBP officers removed the middle and rear row seats in order to create more space to remove the side panel. The side panel was removed and CBP officers extracted one female who was determined to be a citizen of Mexico without entitlements to enter the United States. The female is now identified as **Vanessa GUZMAN-Sandoval (Material Witness).**

During a videotaped proceeding Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge that an undocumented alien was concealed in the vehicle. Defendant admitted he was to receive $1,000.00 USD as compensation for smuggling the undocumented alien. Defendant admitted he was present when the undocumented alien was placed in the side panel compartment. Defendant admitted he was to transport the undocumented alien to a gas station in San Ysidro, California.

A videotaped interview was conducted with Material Witness who stated she is a citizen of Mexico without legal documents to enter the United States. Material Witness stated her friend who lives in Los Angeles, California made arrangements with smugglers in Tijuana, Mexico and was to pay an unknown fee for her to be smuggled into the United States. Material stated she intended to travel to Los Angeles, California to seek employment.

Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE